

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

TARA SMITH,

Plaintiff,

v.

Case No. 622-8029

VICTORIA'S SECRET STORES, LLC,

Serve:

Victoria's Secret Stores, LLC
c/o CT Corporation System, registered agent
4701 Cox Road, Suite 285
Glen Allen, VA 23060

VICTORIA'S SECRET & CO.,

VICTORIA'S SECRET STORES, INC.,

OLD VICTORIA'S SECRET STORES, INC.,

VICTORIA'S SECRET BEAUTY COMPANY,

VICTORIA'S SECRET,

VS DIRECT FULFILLMENT, LLC,

Serve:

VS Direct Fulfillment, LLC
c/o CT Corporation System, registered agent
4701 Cox Road, Suite 285
Glen Allen, VA 23060

VS DIRECT INC.,

VS DIRECT,

L BRANDS DIRECT FULFILLMENT, LLC,

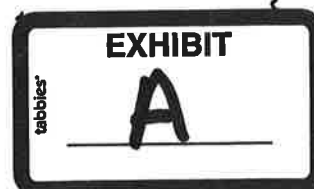
L BRANDS SERVICE COMPANY, LLC,

L BRANDS,

DEC 27 2022

RECEIVED & FILED IN OFFICE


Deputy Clerk, Henrico Circuit Court



And

JOHN DOE,

Defendants.

COMPLAINT

Plaintiff Tara Smith, by counsel, states as follows for her Complaint against Defendants Victoria's Secret Stores, LLC, Victoria's Secret & Co., Victoria's Secret Stores, Inc., Old Victoria's Secret Stores, Inc., Victoria's Secret Beauty Company, Victoria's Secret, VS Direct Fulfillment, LLC, VS Direct, Inc., VS Direct, L Brands Direct Fulfillment, LLC, L Brands Service Company, LLC, and L Brands (hereinafter collectively referred to as "Victoria's Secret"):

1. Plaintiff Tara Smith is an individual who lives in Chesapeake, Virginia.
2. Victoria's Secret are Delaware companies having a principal place of business in Reynoldsburg, Ohio.
3. John Doe was a Victoria's Secret employee, who at all relevant times was acting in the scope of his employment with Victoria's Secret, and is believed to be a citizen of the Commonwealth of Virginia.
4. Victoria's Secret were at all relevant times the owners and/or occupants and/or operators and/or managers of a Victoria's Secret store located in the Greenbrier Mall located at 1401 Greenbrier Parkway South, Chesapeake, Virginia 23320 (hereinafter referred to as the "Victoria's Secret store").
5. Plaintiff Tara Smith was a customer at the Victoria's Secret store on January 26, 2021 and at all relevant times was in the status of an invitee.

6. Prior to Plaintiff's visit to the Victoria's Secret store on January 26, 2021, John Doe, a Victoria's Secret employee, acting within the scope of his/her employment with Victoria's Secret, had hung a large display or sign from the store's ceiling.

7. John Doe hung the display or sign in a dangerous and negligent manner such that the display or sign was not properly secured to the ceiling of the store.

8. On January 26, 2021, as Plaintiff Tara Smith was shopping in the Victoria's Secret store, the display or sign fell from the ceiling, striking her in the head.

9. After the incident, a Victoria's Secret employee who identified herself as "Monique," and identified herself as manager of the lingerie department, responded to the scene to assist Plaintiff Tara Smith.

10. Monique stated words to the effect "that sign has fallen before."

11. Soon after the incident, Plaintiff Tara Smith felt head pain, headache, was nauseous, disoriented, and experienced blurred vision. She was evaluated at Chesapeake Regional Medical Center on January 26, 2021, and was diagnosed with a closed head injury, concussion, and strain of the neck.

12. Since the date of the incident, Plaintiff Tara Smith has experienced memory problems, problems with processing, headaches, mood changes, and neck and shoulder pain.

13. It was the duty of Victoria's Secret to use reasonable care in managing, inspecting, and maintaining the premises, and to use ordinary care to have the premises in a reasonably safe condition, and to use ordinary care to correct or warn an invitee of any dangerous or unsafe condition that Victoria's Secret knew or should have known about.

14. Victoria's Secret was aware and had notice, both actual and constructive, of the dangerous and unsafe condition of the display or sign which fell and struck Plaintiff.

15. Plaintiff's incident was directly and proximately caused by carelessness and negligence of Victoria's Secret and its agents and/or employees in managing, inspecting, and maintaining the premises, in creating a dangerous condition on its premises, and in Victoria's Secret's failure to use ordinary care to have the premises in a reasonably safe condition and failure to fix or warn the plaintiff of the dangerous and unsafe condition of the display or sign.

16. John Doe committed an affirmative act of negligence in that he carelessly and dangerously secured the display or sign, such that it was not properly secured and fell and struck Plaintiff.

17. Victoria's Secret is liable for the negligence of John Doe, its employee who was acting in the scope of his employment, and was otherwise negligent.

18. As a direct and proximate result of the aforesaid negligence of Victoria's Secret and its agents and/or employees, and of John Doe, the aforementioned accident occurred and Plaintiff suffered the following damages: severe and permanent injuries; physical pain and mental anguish, including past, present, and that which she may reasonably be expected to suffer in the future; inconvenience, including past, present, and that which she may be reasonably expected to suffer in the future; medical expenses, including past present, and that which she may reasonably be expected to suffer in the future; lost wages, including past, present, and that which she may reasonable be expected to suffer in the future; and she has otherwise been damaged.

WHEREFORE, the plaintiff, Tara Smith, respectfully prays for judgment and an award of execution against the defendants, jointly and severally, in the sum of \$900,000.00 in compensatory damages, plus pre-judgment interest from January 26, 2021, plus costs, and other relief as may be warranted.

Trial by jury is demanded.

TARA SMITH

By:  _____
Counsel

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